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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,453	01/20/2004	Gabor Bajko	59643.00349	7833
32294 7590 07/13/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER EKONG, EMEM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,453	<b>Applicant(s)</b> BAJKO ET AL.	
	<b>Examiner</b> EMEM EKONG	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 03/06/2007 have been fully considered but they are not persuasive.

Applicant's argument that Shaheen fails to disclose modifying is performed by the network controller is not persuasive for the reason that Shaheen discloses that the S-CSCF removes or reduces parameters of which the subscriber has not requested and paid for as part of the services provided to the subscriber (see figure 9 s5-s10, par. 65), clearly the S-CSCF examines the parameters for compliance with policy, and before a modification, at least one parameter is in beach of the policy (par. 65), Shaheen further discloses P-CSCF performing authorization and approval of a QoS resource(pars. 49, and 67), such authorization includes examining and removing any parameters in beach of the policy. The Applicant further argued that Shaheen only discloses removed and not modified, the examiner respectfully believes that any kind of modification includes removing and reducing, therefore, Shaheen discloses applicant's limitations stated above. Therefore the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5-12, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2003/0035401 A1 to Shaheen et al. (Shaheen).

Regarding claim 1, Shaheen discloses a method comprising: sending a message from a first party to a second party in a communication system (par. 33, and 65); sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party in a communication system (pars. 37-39, and 66); detecting in a network controller that the response includes at least one parameter breaching the policy (pars. 49, 61-63, 65, 67, and 75-77); and modifying by the network controller, the at least one parameter to be consistent with the policy (see figure 8 steps s5-s9, pars. 45, 65, and 75 lines 22-24, i.e. S-CSCF removes or reduces a set of supported codecs based on operator policy).

Regarding claim 3, Shaheen discloses a method as claimed in claim 1, wherein the modifying comprises modifying the at least one parameter by the first party (par. 45).

Regarding claims 5-8, Shaheen discloses the method as claimed in claim 1, wherein the detecting comprises detecting in the network controller which provides a call session control function, wherein the detecting comprises detecting in the network controller which provides the call session control function comprising at least one of a

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proxy call session control function or a serving call session control function, wherein the detecting comprises detecting that the response includes the at least one parameter comprising a parameter of a session description protocol, wherein the sending comprises sending the response being in accordance with a session initiation protocol (see figures 1-9, and pars. 5-7).

Regarding claim 9, Shaheen discloses a controller configured to operate in a communication system; handle responses and requests between parties of communication sessions (i.e. GGSN, PCSCF, SCSCF), forward a message from a first party to a second party (see figure 9, pars. 33, and 65), check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties (pars. 37-39, and 65-67), and modify the at least one parameter to be consistent with the policy (pars. 58, and 63).

Regarding claim 10, Shaheen discloses a communication system comprising a controller (i.e. P-CSCF, par. 49) configured to handle responses and requests between parties of communication sessions, forward a message from a first party to a second party (pars. 33, and 65), check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties (pars. 37-39, and 66), and modify the at least one parameter to be consistent with the policy (pars. 58, and 63), wherein the communication system is configured to provide the

communication sessions between the parties, and wherein the parties are connected to the communication system (session initiation, pars. 33, and 46).

Regarding claim 11, Shaheen discloses a communication system comprising: sending means for sending a message from a first party to a second party (i.e. GGSN, PCSCF, SCSCF, see figures 1,2,8-9, and pars. 33, and 65); sending means for sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party; (i.e. UE2, PCSCF2, SCSCF2, see figure 9, and pars. 37-39, and 66), detecting means for detecting in a network controller that the response includes at least one parameter breaching the policy (i.e. PCF, par. 63); and modifying means for modifying the at least one parameter to be consistent with the policy (SIP, par. 63), wherein the communication system is configured to provide the communication sessions between the parties, and wherein the parties are connected to the communication system (session initiation, pars. 33, and 46).

Regarding claim 12, Shaheen discloses a method comprising: sending a message from a first party to a second party in a communication system (pars. 64-65); awaiting a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party (pars. 37-39, and 66); and modifying the at least one parameter to be consistent with the policy (pars. 45, 50, 63, and 68).

Regarding claims 14, and 15, Shaheen discloses the communication system as claimed in claim 10, wherein the controller is configured to provide a call session control function, wherein the controller comprises at least one of a proxy call session control function or a serving call session control function (see figures 1 and 2, i.e. P-CSCF, S-CSCF).

Regarding claim 16, Shaheen discloses the communication system as claimed in claim 10, wherein the controller is configured to detect that the response includes a parameter of a session description protocol (par. 48 lines 1-3).

Regarding claim 17, Shaheen discloses the communication system as claimed in claim 10, wherein the controller is configured to send the response in accordance with a session initiation protocol (par. 75 lines 22-24).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaheen in view of Us Patent No. 5,835,484 to Yamato et al. (Yamato).

Regarding claim 13, Shaheen discloses the communication system as claimed in claim 10, however, Shaheen fails to specially disclose the controller is configure to pass the response unmodified from the second party to the first party, and check to determine whether a further message from the first party responding the response includes the at least one parameter in breach of the policy.



Yamato discloses the controller is configured to pass the response unmodified from the second party to the first party (see fig. 1, and col. 7 lines 21-27, node system 112 transmits a response through connection 122); and check to determine whether a further message from the first party responding the response includes the at least one parameter in breach of the policy (col. 7 lines 27-30, i.e. cell traffic regulation unit 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Shaheen, and have the controller configured to pass the response unmodified from the second party to the first party, and check to determine whether a further message from the first party responding the response includes the at least one parameter in breach of the policy as disclosed by Yamato for the purpose of making modifications upon detecting a breach in policy.

Regarding claim 18, Shaheen discloses a method comprising: sending a message from a first party to a second party in a communication system (par. 33, and 65); sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party (pars. 37-39, and 66); detecting in a network controller that the response includes at least one parameter breaching the policy (pars. 49, 61-63, 65, 67, and 75-77).

However, Shaheen fails to specifically disclose passing the response unmodified from the second party to the first party; and detecting in a network controller that the response includes at least one parameter breaching the policy.

Yamato discloses passing the response unmodified from the second party to the first party (see fig. 1, and col. 7 lines 21-27, node system 112 transmits a response through connection 122); and detecting in a network controller that the response includes at least one parameter breaching the policy (col. 7 lines 27-30, i.e. cell traffic regulation unit 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Shaheen, by passing the response unmodified from the second party to the first party; and detecting in a network controller that the response includes at least one parameter breaching the policy as disclosed by Yamato for the purpose of making modifications upon detecting a breach in policy.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
EE  
05/16/2007

  
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SUPERVISORY PRIMARY EXAMINER